

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	Civil Action No. 2:10-cv-13101
and)	
)	Judge Bernard A. Friedman
SIERRA CLUB)	Magistrate Judge R. Steven Whalen
)	
Plaintiff-Intervenor.)	
)	
v.)	
)	
DTE ENERGY COMPANY, and)	
DETROIT EDISON COMPANY)	
)	
Defendants.)	
_____)	

**MOTION FOR A STAY OF BRIEFING SCHEDULE
AND RESCHEDULING OF THE STATUS CONFERENCE
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of the briefing schedule in the above-captioned case and a rescheduling of the status conference currently scheduled for October 9, 2013.

1. At the end of the day on September 30, 2013, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for most Executive agencies, including the

United States Environmental Protection Agency. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the United States Environmental Protection Agency are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Currently, the United States’ Reply Brief in Support of Its Motion to Amend the Complaint and Plaintiff-Intervenor Sierra Club’s Reply Brief in Support of Its Motion to Amend are due on Friday, October 4, 2013 and a status conference is scheduled for Wednesday, October 9, 2013. Undersigned counsel for the Department of Justice therefore requests a stay of the briefing schedule until Congress has restored appropriations to the Department. Further, the United States respectfully requests that the status conference set for October 9, 2013 be rescheduled after Congress has restored appropriations.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations. After

Congress has appropriated funds, the Government requests that the Court reschedule the status conference.

5. Counsel for Plaintiff-Intervenor and Counsel for Defendants have authorized counsel for the Government to state that they have no objection to this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the briefing schedule in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully Submitted,

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Dated: October 1, 2013

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing pleading and supporting materials were served via ECF on counsel of record.

s/ Kristin M. Furrie
Counsel for the United States